

### **REMARKS**

Claims 11, 19-22 and 26-32 are pending in the application, and are rejected. No new matter has been presented.

#### **Double Patenting**

Claims 11 and 19-32 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending application 11/916,498. The Examiner asserts that although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application claims a process obviating the claimed process.

Applicant submits herewith a Terminal Disclaimer to properly address the above rejection.

#### **Claim Rejections - 35 U.S.C. §103(a)**

Claims 11, 19-22, 26 and 29-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over US 4,859,255 to Fujimura in view of US 7,163,591 to Kim and further in view of Nakamura in the English translation of their publication entitled "Magnetic Properties of Miniature Nd-Fe-B Sintered Magnets".

Claim 27 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fujimura in view of Kim and further in view of Nakamura as applied to claim 11 above, and further in view of 5,286,366 to Mitsuji.

Claims 27-28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fujimura in view of Kim and further in view of Nakamura as applied to claim 11 above, and further in view of 6,777,097 to Hamada.

The Examiner asserts that oxides and chlorides only have a negative influence on the coercivity of magnets when  $\text{Dy}_2\text{O}_3$  is used to treat hydrogen decrepitated magnets, but not when  $\text{Dy}_2\text{O}_3$  is used to treat mechanically crushed magnets. The Examiner reasons that because the magnets of the primary reference are not hydrogen decrepitated, one would not anticipate a decrease in coercivity.

With regard to its Fig. 4, Kim et al. Kim et al. teaches that, “However, oxides and chlorides have a negative influence on the coercivity.” Applicant further notes that Kim et al. is directed to only hydrogen decrepitated magnets. Kim et al. is directed to both kinds of magnets, yet still directly asserts that oxides and chlorides have a negative influence on the coercivity. This direct statement contradicts any meaning that the Examiner has derived from Kim et al. Fig. 4.

The Examiner further asserts benefits of oxides and chlorides include a decrease in reversed domains associated with the treatment.

Applicant respectfully disagrees with this conclusion with respect to  $\text{Dy}_2\text{O}_3$ , because the full statement referred to by the Examiner is as follows:

That is, as in FIG. 8a, the grey Nd-rich phase has the highest peaks of Nd and F.

Further, as in FIG. 8b, the peaks of Dy, Nd and Fe are high on the matrix-near surface portion. This is because  $\text{DyF}_3$  is decomposed to Dy and F when thermally

treated, and F is dispersed through the grain boundary to form Nd fluoride, while Dy is dispersed to the surface of the grain to increase the amount of Dy on the surface portion...

The modification of the grain surface and the change of the grain boundary act to inhibit reverse domain nucleation, thus restoring the coercivity.”

Thus, the above statement refers specifically to advantages associated with  $\text{DyF}_3$ , rather than  $\text{Dy}_2\text{O}_3$ . There remains no other suggestion or prompting to use  $\text{Dy}_2\text{O}_3$  other than the above-noted comments with respect to Fig. 4.

Further to the above, Applicant notes that Nakamura published on November 1, 2004. The present application was filed on March 22, 2005, claiming priority to Japanese Priority Document 2004-304543, filed on October 19, 2004, which is before the publication date of Nakamura.

Applicant files herewith a verified English Translation of Japanese Priority Document 2004-304543, which supports the presently claimed invention. Therefore, Applicant submits that Nakamura has been antedated, and is no longer available for use as a cited reference.

In view of the accompanying remarks, Applicant submits that the claims are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No. 10/572,753  
Attorney Docket No. 062281

Response under 37 C.F.R. §1.116  
Response filed September 12, 2011

If this paper is not timely, Applicant petitions for an appropriate extension of time. Any fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
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Enclosures: Verified English Translation of Japanese Priority Document 2004-304543  
Terminal Disclaimer US Application No. 11/916,498